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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/656,795	09/06/2003	Ashish Thusoo	O17035722001	7099
23639 7590 08/22/2007 BINGHAM MCCUTCHEN LLP Three Embarcadero Center San Francisco, CA 94111-4067			EXAMINER MORRISON, JAY A	
			ART UNIT 2168	PAPER NUMBER
			MAIL DATE 08/22/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

Application No.

10/656,795

Applicant(s)

THUSOO ET AL.

Examiner

Jay A. Morrison

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 25 June 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 23-68 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 23-68 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Remarks*

1. Claims 23-68 are pending.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 23-68 are rejected under 35 U.S.C. 102(e) as being anticipated by Wu et al. ('Wu' hereinafter) (Publication Number 2004/0066529).

As per claim 23, Wu teaches

A method of handling document operation requests and storing results of document operations requests in a volatile or non-volatile computer readable medium, the method comprising: (see abstract and background)

receiving a document operation request, the document operation requiring one or more collection elements in a collection within the document to be in a computer-readable memory, wherein the one or more collection elements are designated to be

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part of the collection with a markup language (document elements, paragraph [0100], lines 1-8; HTML or XML, paragraph [0110], elements are tagged elements, paragraph [0061], lines 1-5);

identifying at least one of the one or more required collection elements for processing (document elements required, paragraph [0100]);

determining whether the at least one identified collection element is in the computer-readable memory (elements in RAM need to be unloaded to make room, paragraph [0100]);

identifying a collection partition associated with the at least one identified collection element, wherein the collection partition comprises a subset of the collection elements in the document and the at least one identified collection element; (document elements, paragraph [0100])

loading the collection element into the computer-readable memory based on a result from the act of determining, where the at least one identified collection element is loaded into the computer-readable memory when the at least one identified collection element is not in the computer-readable memory (reload element, paragraph [0100]-[0103]);

and executing the document operation with the collection partition (print, paragraph [0100]).

As per claim 24, Wu teaches

a collection partition does not exceed a threshold size (paragraph [0067]).

As per claim 25, Wu teaches  
the threshold size is a factor of the memory size (paragraph [0079]).

As per claim 26, Wu teaches  
the threshold size is user defined (paragraph [0030]).

As per claim 27, Wu teaches  
the memory is fixed in size (paragraph [0079]).

As per claim 28, Wu teaches  
a collection partition is a unit in which data is written to or read from a data  
storage device (paragraph [0100]).

As per claim 29, Wu teaches  
a collection partition comprises collection elements from one collection  
(paragraph [0101]).

As per claim 30, Wu teaches  
a collection partition is a disjoint subset of a collection in the document  
(paragraph [0100]).

As per claim 31, Wu teaches

loading the at least one identified collection element into memory comprises:  
loading the at least one identified collection element into a new collection partition in the memory when the at least one identified collection element is not in the memory  
(paragraph [0100]).

As per claim 32, Wu teaches

determining whether the memory is full (paragraph [0100]-[0103]);  
selecting one or more collection partitions in the memory for removal when the memory is full (paragraph [0100]-[0103]);  
propagating one or more changes in each of the one or more selected collection partitions to one or more data storage devices storing one or more collection elements in the selected collection partition (paragraph [0100]-[0103]);  
removing the one or more selected collection partitions from the memory  
(paragraph [0100]-[0103]);  
and updating one or more collection partitions that remain in the memory  
(paragraph [0100]-[0103]).

As per claim 33, Wu teaches

the memory is full when the memory is above a threshold (paragraph [0079]).

As per claim 34, Wu teaches

the threshold is user defined (paragraph [0030]).

As per claim 35, Wu teaches

selecting one or more collection partitions in the memory for removal comprises:  
selecting one or more least recently used collection partitions in the memory for removal  
when the memory is full (paragraph [0100]).

As per claim 36, Wu teaches

updating one or more collection partitions comprises: updating metadata  
corresponding to the one or more collection partitions that remain in the memory  
(paragraph [0095]).

As per claim 37, Wu teaches

the one or more selected collection partitions do not contain any of the one or  
more required collection elements (paragraph [0100]-[0103]).

As per claim 38, Wu teaches

the document operation is a read, update, delete, insert, or create operation  
(paragraph [0100]).

As per claim 39, Wu teaches

the one or more required collection elements are part of one collection  
(paragraph [0100]).

As per claim 40, Wu teaches  
determining whether the at least one identified collection element is within a  
collection partition in the memory comprises: determining whether a collection partition  
corresponding to the at least one identified collection element has already been loaded  
into memory (paragraph [0100]-[0103]).

As per claim 41, Wu teaches  
loading the at least one identified collection element into memory comprises:  
loading the corresponding collection partition into memory when the corresponding  
collection partition has not already been loaded into memory (paragraph [0100]-[0103]).

As per claim 42, Wu teaches  
the document is an XML document (paragraph [0110]).

As per claims 43 and 56,

These claims are respectively rejected on grounds corresponding to the  
arguments given above for rejected claim 23 and are similarly rejected.

As per claim 44 and 57,



These claims are respectively rejected on grounds corresponding to the arguments given above for rejected claim 24 and are similarly rejected.

As per claim 45 and 58,

These claims are respectively rejected on grounds corresponding to the arguments given above for rejected claim 27 and are similarly rejected.

As per claim 46 and 59,

These claims are respectively rejected on grounds corresponding to the arguments given above for rejected claim 28 and are similarly rejected.

As per claim 47 and 60,

These claims are respectively rejected on grounds corresponding to the arguments given above for rejected claim 30 and are similarly rejected.

As per claim 48 and 61,

These claims are respectively rejected on grounds corresponding to the arguments given above for rejected claim 31 and are similarly rejected.

As per claim 49 and 62,

These claims are respectively rejected on grounds corresponding to the arguments given above for rejected claim 32 and are similarly rejected.

As per claim 50 and 63,

These claims are respectively rejected on grounds corresponding to the arguments given above for rejected claims 33-34 and are similarly rejected.

As per claim 51 and 64,

These claims are respectively rejected on grounds corresponding to the arguments given above for rejected claim 35 and are similarly rejected.

As per claim 52 and 65,

These claims are respectively rejected on grounds corresponding to the arguments given above for rejected claim 36 and are similarly rejected.

As per claim 53 and 66,

These claims are respectively rejected on grounds corresponding to the arguments given above for rejected claim 38 and are similarly rejected.

As per claim 54 and 67,

These claims are respectively rejected on grounds corresponding to the arguments given above for rejected claim 40 and are similarly rejected.

As per claim 55 and 68,

These claims are respectively rejected on grounds corresponding to the arguments given above for rejected claim 42 and are similarly rejected.

***Response to Arguments***

4. Applicant's arguments filed 6/25/07 have been fully considered but they are not persuasive.

With regards to Applicant's argument that Wu does not disclose "identifying a collection partition associated with the at least one identified collection element, wherein the collection partition comprises a subset of the collection elements in the document and the at least one identified collection element", it is noted that Wu discloses loading content data of a element (paragraph [0100], lines 1-5). When examining the limitation in question, a collection partition is associated with 'at least one' identified collection element, which can be interpreted as a single collection element per partition or that partitions are made up of single elements. Also, the language which defines a collection partition as comprising "a subset of the collection elements in the document and the at least one identified collection element" can still be interpreted as the collection partition being associated with a single collection element, in the case where the subset of collection elements and the at least one collection element are the same. To summarize, it is noted that the Applicant argument might be persuasive if the limitation in question could not be interpreted where a collection partition is made up of a single collection element, i.e. that the collection partition is a collection element. In addition, in markup languages it is common for elements to be made up of sub-elements, such as a table in HTML being made up of rows and columns, and the limitation could be met considering this makeup of markup languages. Therefore Wu discloses the limitation.

***Conclusion***

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

The prior art made of record, listed on form PTO-892, and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jay A. Morrison whose telephone number is (571) 272-7112. The examiner can normally be reached on M-F 8-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tim Vo can be reached on (571) 272-3642. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



TIM VO  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2100

Jay Morrison  
TC2100

Tim Vo  
TC2100